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PATENT

I hereby certify that on the date specified below, this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Mail Stop Petitions, Commissioner of Patents, P.O. Box 2327, Arlington, VA 22202.

February 4, 2004

Date

Denise Sheridan

Denise Sheridan

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Brian W. Huber et al.

Attorney Docket No.: 500125.02

Serial No. : 10/007,871

Group Art Unit : 2818

Filed : November 13, 2001

Examiner : Viet Q. Nguyen

Conf. No. : 8896

Date of Notice
of Allowance : January 6, 2004

Title : METHOD OF SCALING DIGITAL CIRCUITS AND CONTROLLING THE TIMING
RELATIONSHIP BETWEEN DIGITAL CIRCUITS

PETITION FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
PURSUANT TO 37 C.F.R. § 1.705(b)

Mail Stop Petitions
Commissioner of Patents
PO Box 2327
Arlington, VA 22202

02/11/2004 AKELLEY 00000013 10007671

01 FC:1455 Sir: 200.00 DP

In accordance with 37 C.F.R. § 1.705(b) applicants hereby request reconsideration of the patent term adjustment for the above referenced application. The issue fee is due April 6, 2004. Enclosed herewith is a check in the amount of \$200, the fee set forth in 37 C.F.R. § 1.18(e). Any deficiency or overpayment should be charged or credited to Deposit Account No. 50-1266. Below is a statement setting forth the facts pertinent to this request.

(1) The correct term adjustment under § 1.702 should be 281 days, not 277 days as indicated in the paper mailed January 6, 2004, entitled Determination of Patent Term Adjustment under 35 U.S.C. §154(b).

(2) The application was filed on November 13, 2001. On December 28, 2001, applicants filed a Supplemental Preliminary Amendment with a Drawing Change Request, new

Formal Drawings and an Information Disclosure Statement. These items were received by the USPTO on January 22, 2002, as evidenced by the copy of the date-stamped returned postcard.

(3) On January 8, 2001, applicants received a Notice of Omitted Items dated December 31, 2001. The notice specifically states that any response due must be filed within two (2) months of the date of the notice. A copy of the notice is enclosed. The response due date was February 28, 2002. Applicants timely filed their response on February 14, 2002, and was timely received by the USPTO on February 27, 2002, as evidenced by the copy of the date-stamped returned postcard.

(4) On January 9, 2004, applicants received the Notice of Allowance (NOA) dated January 6, 2004. The NOA included the document entitled Determination of Patent Term Adjustment under 35 U.S.C. §154(b) with a Patent Term Adjustment (PTA) of 277 days. On February 2, 2004, my paralegal, Denise Sheridan, spoke with Kery Fries at the USPTO regarding the PTA. He stated that our response to the Notice of Omitted Items was received 4 days after the due date of March 31, 2002. Applicants dispute this. The notice clearly states the response is due in two (2) months from the mailing date of the notice which was December 31, 2001, making the response due on February 28, 2002. Our response was received February 27, 2002, as noted in number 3 above.

The first office action was due within 14 months (January 13, 2003) of the application filing date (November 13, 2001) but was not dated until October 21, 2003. This USPTO delay resulted in a 281 day PTA. Applicants do not dispute this. The USPTO reduced this PTA by 4 days giving applicants a PTA of 277 days. Applicants believe the USPTO incorrectly calculated the PTA based on their incorrect records showing our response as received 4 days late.

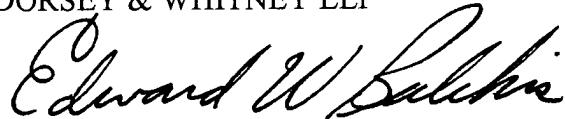
(5) Applicants would also like to bring to the attention of the USPTO the formal drawings submitted on December 28, 2001. The drawings were received by the USPTO on January 22, 2002, as evidenced by the copy of the returned date-stamped postcard. In the NOA dated January 6, 2004, the examiner acknowledges the drawings as filed with the application on November 13, 2001, as being accepted. Applicants respectfully request that the drawings submitted and received on January 22, 2002, be acknowledged by the examiner with a supplemental NOA. Applicants do not believe the drawings need to be resubmitted. If the drawings are required again then applicants believe that no PTA should be held against them for filing the drawings after allowance.

- (6) The application is not subject to a terminal disclaimer.
- (7) There were no circumstances constituting a failure to engage in reasonable efforts to conclude prosecution or examination of the application as set forth in 37 C.F.R. § 1.704.
- (8) In the paper mailed on January 6, 2004, the determination of term adjustment incorrectly states that a 277 day adjustment will be printed on the front page of the patent. As outlined above, the correct term of adjustment should be 281 days, which is the 281 days for the delay in the first office action.

Please correct the notice of patent term adjustment accordingly.

Respectfully submitted,

DORSEY & WHITNEY LLP



Edward W. Bulchis
Registration No. 26,847

EWB:dms

Enclosures:

- Postcard
- Check
- Fee Transmittal Sheet (+ copy)
- Copy of this Petition
- Copy of Return Date Stamped Postcards

1420 Fifth Avenue, Suite 3400
Seattle, WA 98101
Direct Dial (206) 903-8785
Facsimile (206) 903-8820

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FEE TRANSMITTAL SHEET (FOR FY 2004)

Complete if Known	
Application No.	10/007,871
Filing Date	November 13, 2001
First Named Inventor	Brian W. Huber et al.
Group Art Unit	2818 RECEIVED
Examiner	Viet Q. Nguyen FEB 10 2004
Atty. Docket Number	500125.02

METHOD OF PAYMENT (Check One)

1. The Commissioner is hereby authorized to charge any additional fee required under 37 C.F.R. §§ 1.16 and 1.17 and 1.136(a)(3) and credit any over payments to Deposit Account No.: 50-1266; Deposit Account Name: DORSEY & WHITNEY LLP

2. Check Enclosed

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	<input type="checkbox"/> Utility Filing Fee	
1002	340	2002	170	<input type="checkbox"/> Design Filing Fee	
1003	530	2003	265	<input type="checkbox"/> Plant Filing Fee	
1004	770	2004	385	<input type="checkbox"/> Reissue Filing Fee	
1005	160	2005	80	<input type="checkbox"/> Provisional Filing Fee	
Subtotal (1)		\$0			

2. EXTRA CLAIM FEES

Current Claims	Prior	Extra	Fee	Fee Paid
Total	- 20	=	x \$	= \$
Ind.	- 3	=	x \$	= \$
Multiple Dependent Claims		x \$	= \$	
			Subtotal (2)	\$0

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent Claim
1204	86	2204	43	Reissue independent claims over original patent
1205	18	2205	9	Reissue claims in excess of 20 and over original patent

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)
1051	130	2051	65 Surcharge - Late filing fee or oath
1052	50	2052	25 Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130 Non-English specification
1812	2,520	1812	2,520 For Filing a Request for ex parte Reexamination
1804	920	1804	920 Requesting publication of SIR prior to Examiner action
1805	1,840	1805	1,840 Requesting publication of SIR after Examiner action
1251	110	2251	55 Extension for reply within first month
1252	420	2252	210 Extension for reply within 2 nd month
1253	950	2253	475 Extension for reply within 3 rd month
1254	1,480	2254	740 Extension for reply within 4 th month
1255	2,010	2255	1,005 Extension for reply within 5 th month
1401	330	2401	165 Notice of Appeal
1402	330	2402	165 Filing a brief in support of an appeal
1403	290	2403	145 Request for oral hearing
1814	110	2814	55 Terminal Disclaimer Fee
1452	110	2452	55 Petition to revive – unavoidable
1453	1,330	2453	665 Petition to revive – unintentional
1501	1,330	2501	665 Utility/Reissue issue fee
1502	480	2502	240 Design issue fee
1503	640	2503	320 Plant issue fee
1460	130	1460	130 Petitions to the Commissioner
1807	50	1807	50 Processing fee under 37 CFR 1.17(q)
1806	180	1806	180 Submission of IDS
8021	40	8021	40 Recording each patent assignment per property (times number of properties)
1801	770	2801	385 Request for Continued Examination (RCE)
Petition for Reconsideration of Patent Term Adjustment Pursuant to 37 C.F.R. § 1.705(d)			\$200
Subtotal (3)			\$200

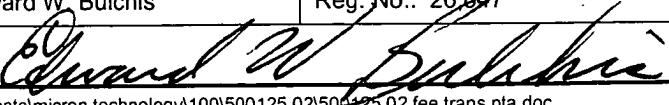
Total Amount of Payment: \$200

Submitted by:

Name: Edward W. Bulchis

Reg. No.: 26,847

Telephone: (206) 903-8800

Signature: 

Date:

2/8/04

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Subtotal (1)				\$0	

2. EXTRA CLAIM FEES

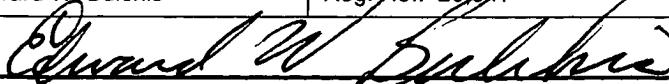
Current Claims	Prior	Extra	Fee	Fee Paid
Total	- 20	=	x \$	= \$
Ind.	- 3	=	x \$	= \$
Multiple Dependent Claims			x \$	= \$
Subtotal (2)				\$0

Large Entity Small Entity

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		8021	40	8021	40 Recording each patent assignment per property (times number of properties)
		1801	770	2801	385 Request for Continued Examination (RCE)
		Other fee (specify)			
		Petition for Reconsideration of Patent Term Adjustment Pursuant to 37 C.F.R. § 1.705(d)			
		Subtotal (3)			
		Total Amount of Payment:			
		\$200			

Submitted by:

Name: Edward W. Bulchis	Reg. No.: 26847	Telephone: (206) 903-8800
Signature: 		Date: 2/4/04

500125.02
KNE (EWB):dms

Date Stamp



Box Non-Fee Amendment
Commissioner for Patents
Washington, DC 20231

SENT: December 28, 2001
DUE: N/A

Kindly acknowledge receipt of the below-listed documents by placing
your receiving stamp hereon and mailing:

Fee Transmittal Sheet (+ copy); Supplemental Preliminary Amendment; Request for
Drawing Change (Figs. 6-10); Transmittal for Filing Formal Drawings (Figs. 1-10);
Information Disclosure Statement; Form PTO-1449,
in re: Brian W. Huber et al., USAN 10/007,871, filed November 13, 2001, for METHOD
AND APPARATUS FOR PHASE-SPLITTING A CLOCK SIGNAL.

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KNE (EWB):dms

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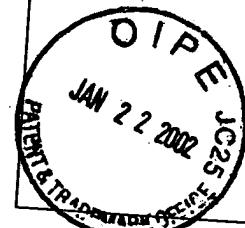
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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/007,871	11/13/2001	Brian W. Huber	500125.02

Edward W. Bulchis, Esq.
 DORSEY & WHITNEY LLP
 Suite 3400
 1420 Fifth Avenue
 Seattle, WA 98101

CONFIRMATION NO. 8896

FORMALITIES LETTER



OC000000007242641

Date Mailed: 12/31/2001

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 9 & 10 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) OR (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 1 - ATTORNEY/APPLICANT COPY

500125.02
EWB:dms

Date Stamp



Commissioner for Patents
Washington, DC 20231

SENT: February 14, 2002
DUE: February 27, 2002

Kindly acknowledge receipt of the below-listed documents by placing
your receiving stamp hereon and mailing:

**Response to Notice of Omitted Items; Copies of previously filed Supplemental
Preliminary Amendment, Request for Drawing Change (Figs. 6-10), Transmittal for
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SIGNAL.**

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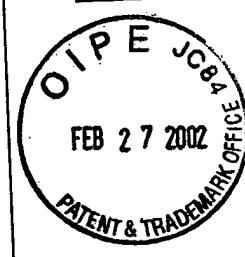
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